

Remarks

This is in response to the Office Action dated September 7, 2004. The Office Action first rejected claims 1-2 and 8-12 under 35 U.S.C. §103(a) as being obvious over U.S. Patent Number 6,754,323 to Chang et al. ("Chang") in view of U.S. Patent Number 6,427,008 to Balaz ("Balaz"). The Office Action also rejected claims 3-7 and 13-18 under 35 U.S.C. §103(a) as being obvious over Chang in view of Balaz, further in view of U.S. Patent Publication Number US 2002/0034290 to Pershan et al. ("Pershan").

Claims 1 and 2 have been amended to clarify those claims. Claim 8 has been amended to correct a typographical error. The scope of claims 1, 2 and 8 have not changed as a result of these clarifying/correcting amendments.

Claims 1-18 remain under consideration.

The Office Action first rejected claims 1-2 and 8-12 under 35 U.S.C. §103(a) as being obvious over Chang in view of Balaz. The Office Action also rejected claims 3-7 and 13-28 under 35 U.S.C. §103(a) as being obvious over Chang in view of Balaz, further in view of Pershan. In order for an invention to be obvious under 35 U.S.C. §103(a), there must be some suggestion to combine or modify cited prior art references in a manner which would show or suggest all elements of the claimed invention. For the reasons discussed below, the Office Action fails to show that Chang in view of Balaz teach all elements of claims 1-2 and 8-12 and that those references further in view of Pershan teach all elements of claims 3-7 and 13-18.

The present invention is directed to a method for billing for services in an advanced intelligent network (AIN). Specifically, a call is routed from a service switching point through a service node so that, when a service (such as call transfer) is required, the service node in the network is able to process the call to perform the service and also create a billing module to capture billing information associated with the provided service. The processed call is then merged into a service switching point to allow the service node to use its resources to process other calls requiring services. In addition to the merged processed call, the billing module created by the service node is also sent to the service switching point for ultimate receipt by a billing system.

In the illustrative embodiment of a call transfer service, a calling party is initially participating in a call with a first called party via a bridge created in the service node between the two parties. When an indication is received at the service node that a call transfer to a second called party is required or desired, the service node will create a first billing module to indicate that the call transfer service is required. The service node will then unbridge the call between the calling party and the first called party and will create a bridge between the calling party and the second called party. A second billing module may be created to capture additional information about the call transfer, such as the date and time stamp when the transfer was completed. The transferred call is then merged into the service switching point, thus removing the transferred call from the service node. The first and second billing modules are sent to the service switching point for ultimate delivery to a billing system.

Claim 1: Regarding claim 1, the Office Action rejected that claim, stating that Chang teaches the bridging and processing elements of that claim. The Office Action admits that the Chang reference does not teach creating a billing module at the service node but, instead, relies upon the Balaz reference to teach this element. However, the Office Action fails to address the final element of claim 1, either as that claim was originally presented or as that claim is amended. Specifically, claim 1, as amended, claims in part:

“merging the processed call and said billing module into another node in the network.”

Thus, claim 1 has been amended to clarify that the processed call and billing module are merged “into another node” in the network. This element is described in the specification at page 5, paragraph [0018]:

“After the SN 175 has completed its function such as call transfer, the SN 175 can merge the call back to the SSP (service switching point) for bridging . . . After the call has been bridged back through the SSP 120, the SN 175 is no longer in the call path and its resources are free to handle other calls.”

Thus, the step of merging the processed call into another network node, which is another network node, removes the service node from the call path so that the call is fully bridged

by the service switching point network node. At the time of this merging procedure, any billing modules are also transmitted to the service switching point network node.

However, the Office Action fails entirely to address this claim element and neither Chang nor Balaz teach this element. As such, the Office Action has failed to make a prima facie showing of obviousness of claim 1. If the Office persists in the rejection of claim 1, applicants respectfully request that the Examiner specifically address each of the limitations of claim 1 and that the Examiner provide a specific citation within the reference so that the applicants may fully evaluate and respond to these rejections.

For the foregoing reasons, the Office has failed to show that the Chang or the Balaz reference teach the above claim element of merging the processed call and the billing module into another node in the network. Additionally, the Office has not shown a suggestion within Chang or Balaz to modify the teachings of either of those references in a way that would teach this claimed element. Therefore, claim 1 is not obvious over Chang in view of Balaz. As a result, claim 1 is allowable.

It follows that claims 2-12 are allowable as being dependent upon allowable base claim 1.

Claim 13: Regarding claim 13, the Office Action rejected that claim in part for the same reasons as in the rejection of claim 1, by stating that Chang teaches the bridging and processing elements of that claim and that Balaz teaches the step of creating a billing module. Regarding claim 13, the Office Action admits that neither Chan nor Balaz teach “using trigger (sic) for call transfer feature” and, as a result, rely on the Pershan reference as teaching this element of claim 13.

However, applicants respectfully assert that “using (a) trigger for call transfer feature” is not what is claimed in claim 13. Instead, in order for this rejection to be proper, either the Chang, Balaz or Pershan reference must teach or suggest the claim elements of claim 13 of:

“invoking a call merge procedure by removing the bridged call between the calling party and the called party from the service node and merging the bridged calls into the service switching point; and
sending the created first and second billing modules to the service switching point during the call merge procedure.”

However, as discussed above in association with the rejection of claim 1, The Office Action fails entirely to address the claim elements of invoking a call merge procedure or merging bridged calls into a service switching point as claimed in claim 13. Additionally, the Office Action has failed to show which of the cited references teaches the step of sending a billing module to the service switching point during a call merge procedure. Neither Chang nor Balaz teach these elements. As such, the Office Action has failed to make a prima facie showing of obviousness of this claim. If the Office persist in the rejection of claim 13, applicants respectfully request that the Examiner specifically address each of the limitations of claim 13 and that the Examiner provide a specific citation within the reference for each of those limitations so that the applicants may fully evaluate and respond to these rejections.

For the foregoing reasons, the Office has failed to show that the Chang, Balaz or Pershan references teach the above claim elements or to show the location of a suggestion within any of those references to modify the teachings of those references in a way that would teach the claimed element. Therefore, claim 13 is not obvious over Chang in view of Balaz, further in view of Pershan. As a result, claim 13 is allowable.

It follows that claims 14-15 are allowable as being dependent upon allowable base claim 13.

Claim 16: Regarding claim 16, the Office Action rejects this claim over Chang in view of Balaz, further in view of Pershan, but the Office Action fails to address how Pershan is applied to the rejection of this claim. Claim 16 contains very similar elements to claim 13, with the primary difference being that claim 13 involves a call transfer service while claim 16 involves a conference calling service. Therefore, applicants will treat this claim as if the rejection of this claim was over Pershan as that reference was applied to claim 13.

Even considering this additional reference, however, as was the case with claim 13, the Office Action has entirely failed to address the key elements of claim 16 of:

“invoking a call merge procedure by removing the bridged call between the calling party, the called party and the target party from the service node and merging the bridged conference call into the service switching point; and sending the created first and second billing modules to the service switching point during the call merge procedure.”

As such, once again, the Office Action has failed to make a prima facie showing of obviousness of this claim. If the Office persists in the rejection of claim 16, applicants request that the location of the teaching or suggestion of the above elements be provided with particularity.

The Office has failed to show that the Chang or Balaz references (or the Pershan reference) teaches the above claim elements of claim 16 or to show the location of a suggestion within any of those references to modify the teachings of those references in a way that would teach the claimed element. Therefore, claim 16 is not obvious over Chang in view of Balaz (or even further in view of Pershan). As a result, claim 16 is allowable.


It follows that claims 17-18 are allowable as being dependent upon allowable base claim 16.

Conclusion:

For the foregoing reasons, the Office Action has failed to show that each and every element of independent claims 1, 13 and 16 of the present application are taught or suggested by Chang, Balaz or Pershan, either alone or in combination. Therefore, claims 1, 13 and 16 are not rendered obvious under those references. As a result, claims 1, 13 and 16 are allowable. It follows that claims 2-12, 14-15 and 17-18 are each allowable as being dependent upon an allowable base claim.

Therefore, applicant requests allowance of all claims.

Respectfully submitted,


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